

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

LOUIS CAMEJO RODRIGUEZ,
Plaintiff,

vs.

UNITED STATES BUREAU OF
ALCOHOL, TOBACCO AND
FIREARMS, et al.,

Defendants.

NO. CV-05-160-EFS

ORDER DENYING REQUEST TO PROCEED
IN FORMA PAUPERIS, DISMISSING
COMPLAINT WITHOUT PREJUDICE AND
DENYING PENDING MOTIONS AS MOOT

By Order filed July 25, 2005 (Ct. Rec. 48), the Court reserved ruling on Mr. Rodriguez's request to proceed *in forma pauperis* and directed him to file an amended complaint within sixty (60) days, stating his claims regarding the conditions of his confinement at the Airway Heights Correction.¹ This Court cannot proceed with an action under 42 U.S.C. § 1983, unless the Plaintiff presents a complaint identifying Defendants in the Eastern District of Washington and

¹This action was transferred from the Southern District of Florida, after that court dismissed Mr. Rodriguez's habeas claims regarding his federal conviction and sentence in Florida. See Ct. Rec. 15, entered March 31, 2005, cause number 05-CV-20307-KING.

ORDER DENYING REQUEST TO PROCEED *IN FORMA PAUPERIS*
AND DISMISSING COMPLAINT WITHOUT PREJUDICE -- 1

1 stating how they violated his constitutionally protected rights.
2 Plaintiff has not presented an amended complaint as directed.

3 Rather than comply with the court's directive, Plaintiff
4 presented several motions for injunctive relief as well as copies of
5 ex parte documents he has sent to other courts.² The Court cannot
6 consider motions in the absence of a legally sufficient complaint.
7 See generally FED. R. CIV. P. 3 and the notes following the rule.

8 Plaintiff was cautioned that failure to file an amended complaint
9 would result in dismissal of this action. Plaintiff has presented no
10 facts demonstrating named Defendants located in the Eastern District
11 of Washington violated his constitutional rights. He fails to present
12 a short and plain statement as required by Fed. R. Civ. P. 8(a)(2).
13 Therefore, the Court cannot proceed with a cause of action under 42
14 U.S.C. § 1983 at this time.

15 Accordingly, **IT IS ORDERED** Plaintiff's request to proceed *in*
16 *forma pauperis* under 28 U.S.C. § 1915 is **DENIED** and the complaint is
17 **DISMISSED without prejudice** to Plaintiff filing a new and separate
18 action. **IT IS FURTHER ORDERED** all pending motions in this action are
19 **DENIED as moot.**

21 ²On September 30, 2005, the Court received letters from Plaintiff
22 containing grievances and other documents in excess of 143 pages. On
23 October 3 and 5, 2005, the Court received additional packets of
24 documents consisting of 25 pages and 17 pages respectively. None of
25 these documents complies with the directive to file an amended
26 complaint.

IT IS SO ORDERED. The District Court Executive is directed to enter this Order, enter judgment, forward a copy to Plaintiff, and close the file.

DATED this 18th day of October 2005.

S/ Edward F. Shea
EDWARD F. SHEA
UNITED STATES DISTRICT JUDGE

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